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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,065	01/24/2000	Robert Eilbacher	782.1068/JCG/WNH	6692

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

HONG, HARRY S

ART UNIT PAPER NUMBER

2642

DATE MAILED: 07/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,065

Applicant(s)

EILBACHER ET AL.

Examiner

Harry S. Hong

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,12-17 and 21 is/are allowed.
- 6) ☒ Claim(s) 3,6-10,18-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 4,5 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Please update the Related Applications on page 1 of the specification with the appropriate serial numbers.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3, 6-10, 18, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kepley (U.S. Patent No. 5,499,291; cited and applied for the first time).

Kepley teaches an arrangement for automating call-center agent-schedule-notification and schedule-adherence functions. With respect to claims 3, 10, 18, and 22, refer to FIG 1 of Kepley where the claimed recording device/step/means; and the database, storing step, or storage means read on the MEMORY 21 and its functions; the claimed analyzer, comparing step, or analysis means reads on the PROCESSOR 20 and its function; and the claimed displaying and one or more display devices are plainly depicted in FIG 1. Refer to column 3, line 37 – column 4, line 33 where it clearly teaches that the displayed messages relate to the adherence by the agents of the schedule and are determined by the PROCESSOR 20.

With respect to claim 6, the recorded multimedia data reads on the actual activity of the agents and the predetermined contact center standards/parameters read on the communicated schedule of agents.

With respect to claim 7 and 19, the environmental data also reads on the communicated schedule of agents.

The limitations of claim 8 are clearly taught by Kepley.

With respect to claim 9, Kepley teaches displaying information of agents whose performance has either exceeded or failed to meet contact center performance standards.

4. Claims 3, 6-10, 18, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. Patent No. 5,757,904; cited and applied for the first time).

Anderson teaches an arrangement for context-sensitive presentation of information call-center agents. With respect to claims 3, 10, 18, and 22, refer to column 10, lines 10 – 55 of Anderson where the claimed recording device/step/means and the database, storing step, or storage means are considered inherent; the claimed analyzer, comparing step, or analysis means is also considered inherent; and the claimed displaying and one or more display devices are plainly depicted in FIGs 1 and 6. Refer to column 10, lines 46 - 53 where it clearly teaches that the displayed messages relate to the comparison of performance standards/parameters (read on the goal of Anderson).

With respect to claim 6, the recorded multimedia data reads on the actual activity of the agents and the predetermined contact center standards/parameters read on the goal.

With respect to claim 7 and 19, the environmental data also reads on the goal or work categories.

The limitations of claim 8 are clearly taught by Anderson.

With respect to claim 9, Anderson teaches displaying information of agents whose performance has either exceeded or failed to meet contact center performance standards.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 3, 6-10, 18-20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sunderman et al. (Sunderman; U.S. Patent No. 6,144,971; cited and applied for the first time).

Sunderman teaches a system for comparing an agent activity with a work schedule. With respect to claims 3, 10, 18, and 22, refer to FIG 26 of Sunderman where the claimed recording device/step/means reads on the RAM and its function; the database, storing step, or storage means reads on the ROM and its function; the

claimed analyzer, comparing step, or analysis means reads on the CPU 30 and its function; and the claimed displaying and one or more display devices are plainly depicted in FIG 26. The entire disclosure of Sunderman clearly teaches that the displayed messages relate to the adherence by the agents of the schedule and are determined by the CPU 30.

With respect to claim 6, the recorded multimedia data reads on the actual activity of the agents and the predetermined contact center standards/parameters read on the communicated schedule of agents.

With respect to claim 7 and 19, the environmental data also reads on the communicated schedule of agents.

The limitations of claim 8 are clearly taught by Sunderman.

With respect to claim 9, Sunderman teaches displaying information of agents whose performance has either exceeded or failed to meet contact center performance standards.

With respect to claim 20, Sunderman teaches displaying messages to supervisors, see column 1, lines 46 – 51.

Allowable Subject Matter

7. Claims 1, 2, 12-17, and 21 are allowed over the prior art of record.
8. Claims 4, 5, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

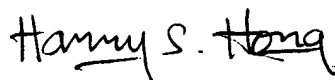
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leggett teaches a method for predicting agent requirements in a force management system. Clare et al. teach an apparatus for supervising an automatic call distribution telephone system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry S. Hong whose telephone number is (703) 306-3040. The examiner can normally be reached on Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Harry S. Hong
Primary Examiner
Art Unit 2642

June 28, 2003



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Commissioner for Patents

Harry S. Hong
Primary Examiner
Art Unit: 2642